SCOTTISH STATUTORY INSTRUMENTS

2011 No. 117

The National Health Service Superannuation Scheme (Scotland) Regulations 2011

PART C

PENSIONABLE PAY, PENSIONABLE SERVICE AND QUALIFYING SERVICE

Meaning of "qualifying service"

C3.—(1) Where a member's entitlement to benefit is conditional on having a length of "qualifying service" specified in a regulation, "qualifying service" means the aggregate of the following:—

(a) pensionable service under these Regulations, except for any period of additional service referred to in regulation Q1 (right to buy additional service);

(b) where a transfer payment has been accepted under Part N (transfers-in from other pension arrangements) in respect of the member's rights under another occupational pension scheme, a personal pension scheme or a buy-out policy, the period of employment that qualified the member for those rights;

(c) in the case of a person who—

(i) has become a member on the transfer of that person's employment to a new employer as a result of a transfer of an undertaking to that employer, and

(ii) has rights under another occupational pension scheme to which that person was eligible to belong in that person's former employment in respect of which no transfer payment has been accepted under regulations N1(4) or N6,

the period of employment that qualified the member for those rights,

(d) any period reckonable as "service" under the 1995 Regulations; and

(e) any period of part-time pensionable service in accordance with regulation C4(11).

(2) If a member leaves and subsequently returns to pensionable employment paragraphs (3) and (4) will apply for the purpose of calculating the member's qualifying service.

(3) If the break between leaving and rejoining does not exceed one month or is due to a trade dispute, the member's pensionable service before and after the break will be treated as continuous (but excluding the break) for the purpose of calculating the member's qualifying service after the break, even if the member's pensionable service before and after the break is otherwise treated separately for the purpose of calculating the member's benefits.

(4) If the member is entitled to a preserved pension under regulation E12 in respect of an earlier period of employment (whether or not the pension has become payable), and the periods of pensionable service before and after the break are not treated as continuous under regulation L1, the period of employment to which that pension relates will be treated as qualifying service.

(5) Where a member who is employed on a casual basis—

(a) ceases to pay contributions because of a break in the member's pensionable-employment of a period not exceeding three months, and

(b) re-enters pensionable employment on the same basis after the break,

for the purposes of these Regulations the member is treated as continuing to be in qualifying service (but not pensionable service) during the break, and as not being required to rejoin this Section of the scheme when the member re-enters pensionable employment.

(6) If a pension becomes payable to a member under regulation E6 or E7 and the member has elected under regulation R4(4) to take a benefit only in respect of the employment that has ended, the pensionable service in respect of which that benefit is calculated will be treated as qualifying service in relation to the employment in respect of which benefits continue to accrue.